

AMENDED IN SENATE APRIL 17, 2002

**SENATE BILL**

**No. 1342**

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**Introduced by Senator Morrow**

February 4, 2002

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An act to add ~~Section 13389.1~~ *Sections 13389.1, 13389.2, and 13389.3* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1342, as amended, Morrow. Waste discharge requirements: municipal separate storm sewer systems.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the Clean Water Act, and the Porter-Cologne Water Quality Control Act.

This bill would require the state board and the regional boards to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems in conformance with the "maximum extent practicable" standard set forth in the Clean Water Act. *The bill would define the term "maximum extent practicable" standard for purposes of those provisions. The bill would require that permits for discharges from a municipal storm sewer conform to the "maximum extent practicable" standard.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 13389.1 is added to the Water Code, to read:

13389.1. Notwithstanding any other provision of this division, the state board and the regional boards shall prescribe and enforce waste discharge requirements for municipal separate storm sewer systems in conformance with the “maximum extent practicable” standard set forth in subsection (p) of Section 1342 of Title 33 of the United States Code.

SEC. 2. Section 13389.2 is added to the Water Code, to read:

13389.2. (a) *The Legislature finds and declares that the Maximum Extent Practicable Standard set forth in subsection (p) of Section 1342 of Title 33 of the United States Code, that is required in Section 13389.1 to be the performance standard imposed by the state board and the regional boards for permits for discharges from municipal storm sewers is a lessor standard than the standard established by subparagraph (C) of paragraph (1) of subsection (b) of Section 1311 of Title 33 of the United States Code.*

(b) *The “maximum extent practicable” standard means the maximum degree of pollutant reduction achievable through the application of practical, technologically feasible, and economically achievable best management practices, including but not limited to, pollution control techniques and system design, and engineering methods. Technologically feasible and economically achievable best management practices are those practices that satisfy all of the following criteria:*

(1) *Demonstrate effectiveness in removing pollutants of concern.*

(2) *Demonstrate compliance with subsection (p) of Section 1342 of Title 33 of the United States Code.*

(3) *Demonstrate the support and acceptance of the public served by those best management practices.*

(4) *Demonstrate a reasonable relationship between the cost of the best management practice and the pollution control result to be achieved.*

(5) *Demonstrate technological feasibility to effect the intended pollutant removals, considering soils, geography, topography, water resources, and such other limiting physical conditions as may exist.*

1     (6) *Demonstrate economical achievability through the*  
2     *identification of available funding sources or through a proposed*  
3     *funding plan, or both, considering the need for the continuation of*  
4     *existing municipal services and the application of legal*  
5     *restrictions for approval of new sources of funding, consistent with*  
6     *the state law and federal regulatory requirements prescribed under*  
7     *subsection (d) of Part 122.26 of Title 40 of the Code of Federal*  
8     *Regulations.*

9     SEC. 3.   *Section 13389.3 is added to the Water Code, to read:*

10    13389.3.   *Permits for discharges from a municipal storm*  
11    *sewer shall conform to the maximum extent practicable standard,*  
12    *as defined in subdivision (b) of Section 13389.2. The state board*  
13    *and regional boards may, in the issuance of those permits, require*  
14    *the inclusion of management practices, control techniques, and*  
15    *system design, and engineering methods, and any other provisions*  
16    *as the state determines appropriate for the control of discharges*  
17    *of pollutants from municipal storm sewers, if those requirements*  
18    *do not exceed the standards prescribed in the definition of the*  
19    *maximum extent practicable standard set forth in subdivision (b)*  
20    *of Section 13389.2.*

